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Date: MAY 16, 2005

To: EXAMINER JACOBS, LASHONDA T.  
U.S. PATENT AND TRADEMARK OFFICE

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Client/Matter No.: AUS920010540US1 (9000/51)

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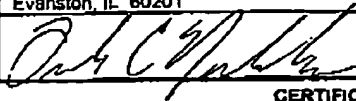
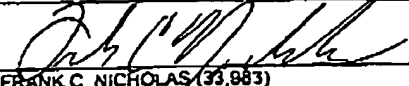
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|  | Application Number   | 09/935,396                |
|  | Filing Date          | AUGUST 23, 2001           |
|  | First Named Inventor | CARL P. GUSLER            |
|  | Group Art Unit       | 2157                      |
|  | Examiner             | JACOBS, LASHONDA T        |

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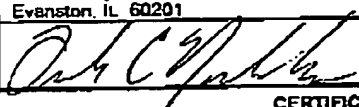

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|  | Application Number   | 09/835,396                |
|  | Filing Date          | AUGUST 23, 2001           |
|  | First Named Inventor | CARL P. GUSLER            |
|  | Group Art Unit       | 2157                      |
|  | Examiner             | JACOBS, LASHONDA T.       |

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| First Presentation of Multiple Dep. Claim |                        |       |                                 |               | + \$180=        | —            |    | + \$360=        |           |
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PATENT  
Case No. AUS920010540US1  
(9000/51)

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| In re patent application of: | ) |                         |
|                              | ) |                         |
| CARL P. GUSLER, ET AL.       | ) | Examiner: JACOBS, L. T. |
|                              | ) |                         |
| Serial No.: 09/935,396       | ) |                         |
|                              | ) | Group Art Unit: 2157    |
| Filed: AUGUST 23, 2001       | ) |                         |
|                              | ) |                         |
| Title: METHOD AND SYSTEM FOR | ) | Conf. No.: 9829         |
| AUTOMATED PROJECT            | ) |                         |
| ACCOUNTABILITY               | ) |                         |

APPEAL BRIEF

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Dear Sir:

Appellants respectfully present their appeal brief as follows:

May 16, 2006  
Case No.: AUS920010540US1 (9000/51)  
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Filed: Aug. 23, 2001  
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1. REAL PARTY IN INTEREST

The real party in interest is Assignee INTERNATIONAL BUSINESS  
MACHINES CORPORATION, by virtue of an assignment executed by the inventors.

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## 2. RELATED APPEALS AND INTERFERENCES

Appellants and the undersigned attorneys are not aware of any appeals or any interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

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3. STATUS OF CLAIMS

Claims 1-22 were rejected as anticipated by United States Patent Application  
Publication 2001/0032105 to Frye ("Frye").

Claims 1-22 are the claims on appeal. *See*, Appendix.



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4. STATUS OF AMENDMENTS

No amendments have been made or entered.

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## 5. SUMMARY OF CLAIMED SUBJECT MATTER

In this summary of claimed subject matter, all citations are to the specification of United States Patent Application 09/935,396 filed on August 23, 2001. Further, all citations are illustrative only and support for the cited element may be found elsewhere in the specification.

The invention describes a method for automated project accountability. The method includes determining 220 at least one decision maker of a project preparation and determining 230 a readiness category for the decision maker. The method further includes providing 230 a readiness category rating for the readiness category; determining 240 a decision process for the readiness category and readiness category rating, and conducting 260 a project assessment as a function of the decision process. Additionally, the method includes determining 270 a project readiness as a function of the project assessments. See, e.g., FIG. 2 (below).

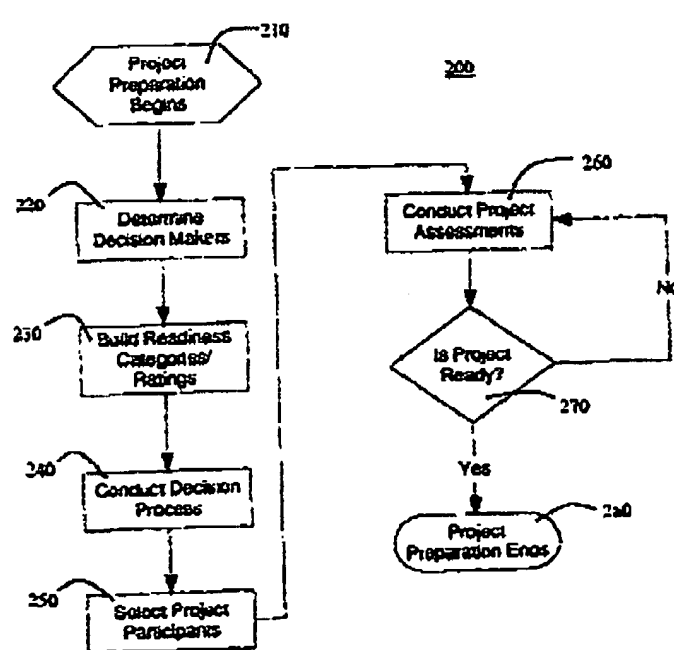


FIG. 2

In one embodiment of the invention, the method further includes assigning vote weighting 240 to the decision maker (p. 7, lines 11-18).

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6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-22 were rejected as anticipated by Frye.

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## 7. ARGUMENTS

To warrant this §102(e) anticipation rejection of pending claims 1-22, *Frye* must show each and every limitation of claims 1-22 in as complete detail as is contained in claims 1-22. *See*, MPEP §2131. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *See also* MPEP §2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

*Frye* does not disclose and teaches away from the claimed terms "determining a readiness category for the decision maker" and "providing a readiness category rating for the readiness category" as recited in claims 1, 9, and 16.

The Examiner's citation to ¶40 is misplaced, as that section only discusses determining a status of various pieces of information received into a computer system and receiving a second stage approver's decision as to whether to advance the program into stage 3. *See* ¶40, below. *Frye* simply does not disclose determining a readiness category for the decision maker or providing a readiness category rating for the readiness category.

[0048] Returning now to FIG. 5, once all required assessment and initiation milestone information as well as any submitted checklist information has been received into the computer system, a second stage approval workflow is initiated by the developer in step 510, wherein a second stage approver is electronically notified about the status of the various pieces of information received into the computer system in the second stage. In step 512, the system receives a second stage approver's request to review the received second stage assessment and initiation information and, in step 514, the system receives the second stage approver's decision as to whether or not to advance the program into stage 3. Preferably, the request to review the received second stage assessment and initiation information is substantially similar to the initial user request to submit the information. That is, the second stage approver simply enters the system like any other user and reviews any or all of the second stage assessment and initiation information contained in the system. If the system receives the second stage approver's decision to reject advancement to stage 3, the system, in step 516, notifies the project owner of this decision. However, if the system receives the second stage approver's decision to

advance the program to stage 3, the system proceeds to step 800 of FIG. 8, set forth in detail below.

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The claims require that the readiness category is for the *decision maker*, rather than for the *project* itself. Thus, actual progress of the project is not addressed in this particular claim limitation - the readiness category is for the decision maker.

With respect to claims 2, 10, and 17, *Frye* does not disclose "assigning vote weighing to the decision maker." The Examiner's citation to ¶31 is misplaced, as *Frye* does not disclose the claimed element. At most, *Frye* discloses a tollgate that is a checkpoint in a project's progression involving a meeting between various members of a cross-functional team. At most, *Frye* implies that a vote is taken, but does not disclose assigning vote weighting to the decision maker.

[0031] As defined briefly above, a tollgate is generally a checkpoint in a project's progression and involves a meeting between the various members of the cross-functional team. During the meeting, which is preferably held in an online environment, the team members discuss the current state of the project and each member renders an opinion as to whether or not the tollgate should be passed. In a preferred embodiment, a single individual is then charged with the task of reviewing all materials and comments and making a decision regarding the present tollgate. If it is determined that the program shows sufficient likelihood for success, the tollgate is passed in step 412 and the project proceeds to the third stage. However, if the second tollgate is not passed, the project is either re-evaluated or canceled in step 414.

Further, claims 2-8, 10-15, and 17-22 depend directly or indirectly from claims 1, 9, or 16 respectively, and are therefore patentable over the prior art for at least the same reasons.

Withdrawal of the rejection of claims 1-22 under U.S.C. §102(e) as being anticipated by *Frye* is therefore respectfully requested.

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**SUMMARY**

Appellants respectfully submit that claims 1-22 fully satisfy the requirements of 35 U.S.C. §§101, 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: May 16, 2006

Respectfully submitted,  
CARL P. GUSLER, et al.

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## 10. APPENDIX

1. A method for automated project accountability comprising:  
determining at least one decision maker of a project preparation;  
determining a readiness category for the decision maker;  
providing a readiness category rating for the readiness category;  
determining a decision process for the readiness category and readiness  
category rating;  
conducting a project assessment as a function of the decision process; and  
determining a project readiness as a function of the project assessments.
2. The method of claim 1 further comprising:  
assigning vote weighting to the decision maker.
3. The method of claim 1 further comprising:  
changing a project management application graphical interface, as a func-  
tion of the project assessment.
4. The method of claim 1 further comprising:  
assigning a time limit in association with the project assessment and the  
project readiness.
5. The method of claim 1 further comprising:  
providing a collaborative environment for the decision maker.
6. The method of claim 5 wherein the collaborative discussion mechanism  
is invoked for determining the readiness category, determining the decision process,  
conducting the project assessment, and determining the project readiness.

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7. The method of claim 1 wherein the determination of at least one decision maker further comprises:

- providing project information from a project creator;
- accessing a data repository;
- retrieving a list from the data repository;
- selecting a project decision maker as a function of the project information

and list; and

- selecting at least one contributing decision maker as a function of the project information, list, and project decision maker.

8. The method of claim 7 further comprising:

- providing technical information from the project creator; and
- providing security information from the project creator.

9. A system for automated project accountability comprising:

- means for determining at least one decision maker of a project preparation;

- means for determining a readiness category for the decision maker;
- means for providing a readiness category rating for the readiness category;

and

- means for determining a decision process for the readiness category and readiness category rating;

- means for conducting a project assessment as a function of the decision process; and

- means for determining a project readiness as a function of the project assessments.



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10. The system of claim 9 further comprising:  
means for assigning vote weighting to the decision maker.
11. The system of claim 9 further comprising:  
means for changing a project management application graphical interface,  
as a function of the project assessment.
12. The system of claim 9 further comprising:  
means for assigning a time limit in association with the project assessment and the project readiness.
13. The system of claim 9 further comprising:  
means for providing a collaborative environment for the decision maker.
14. The system of claim 9 wherein the means for determination of at least one decision maker further comprises:  
means for providing project information from a project creator;  
means for accessing a data repository;  
means for retrieving a list from the data repository;  
means for selecting a project decision maker as a function of the project information and list; and  
means for selecting at least one contributing decision maker as a function of the project information, list, and project decision maker.
15. The system of claim 14 further comprising:  
means for providing technical information from the project creator; and  
means for providing security information from the project creator.

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16. A computer readable medium storing a computer program comprising:  
computer readable code for determining at least one decision maker of a project preparation;  
computer readable code for determining a readiness category for the decision maker;  
computer readable code for providing a readiness category rating for the readiness category;  
computer readable code for determining a decision process for the readiness category and readiness category rating;  
computer readable code for conducting a project assessment as a function of the decision process; and  
computer readable code for determining a project readiness as a function of the project assessments.

17. The computer readable medium of claim 16 further comprising:  
means for assigning vote weighting to the decision maker.

18. The computer readable medium of claim 16 further comprising:  
computer readable code for changing a project management application graphical interface, as a function of the project assessment.

19. The computer readable medium of claim 16 further comprising:  
computer readable code for assigning a time limit in association with the project assessment and the project readiness.

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20. The computer readable medium of claim 16 further comprising:  
computer readable code for providing a collaborative environment for the  
decision maker.

21. The computer readable medium of claim 16 wherein the computer readable code for determination of at least one decision maker further comprises:  
computer readable code for providing project information from a project creator;  
computer readable code for accessing a data repository;  
computer readable code for retrieving a list from the data repository;  
computer readable code for selecting a project decision maker as a function of the project information and list; and  
computer readable code for selecting at least one contributing decision maker as a function of the project information, list, and project decision maker.

22. The computer readable medium of claim 21 further comprising:  
computer readable code for providing technical information from the project creator; and  
computer readable code for providing security information from the project creator.

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**Evidence Appendix**

None

**Related Proceedings Appendix**

None.